



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1012/7  
PG&TKK:eev:ph

DOA:.....Hynek, BB0340 - Part-time open enrollment expansion

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT** ...; **relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under the current part-time Open Enrollment Program, a high school pupil may apply to take one or two courses at a public school located outside the pupil's school district of residence under certain circumstances. The pupil's resident school board must pay to the nonresident school board an amount equal to the cost of providing the course to the pupil. The pupil's resident school board may reject the pupil's application under one of two circumstances: 1) the resident school board determines that the course conflicts with the pupil's individualized education program; or 2) the cost of paying for the pupil to attend the course would impose an undue financial burden on the resident school district.

This bill allows pupils in all grades to participate in the program. The bill also allows a pupil to attend, in addition to a public school in a nonresident school district, a UW institution, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, or a nonprofit organization that is approved by DPI. The bill prohibits the educational institution that the pupil attends from charging to or receiving from a pupil or the pupil's resident school board any payment that is in addition to the one determined by DPI.

The bill also eliminates the ability of a resident school board to reject an application on the basis of undue financial burden. However, it allows the resident

school board to reject an application if the school board determines that the course the pupil wishes to take at an educational institution does not conform to or support the pupil's academic and career plan or does not satisfy a high school graduation requirement.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 115.38 (1) (d) of the statutes is amended to read:

115.38 (1) (d) The number and percentage of resident pupils attending a course ~~in a nonresident school district~~ at an educational institution under s. 118.52, the number of nonresident pupils attending a course in the school district under s. 118.52, and the courses taken by those pupils.

**SECTION 2.** 118.52 (title) of the statutes is repealed and recreated to read:

**118.52 (title) Course options.**

**SECTION 3.** 118.52 (1) (a) of the statutes is renumbered 118.52 (1) (ar).

**SECTION 4.** 118.52 (1) (am) of the statutes is created to read:

118.52 (1) (am) "Educational institution" includes a public school in a nonresident school district, the University of Wisconsin System, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, and any nonprofit organization that has been approved by the department.

**SECTION 5.** 118.52 (2) of the statutes is amended to read:

118.52 (2) APPLICABILITY. ~~Beginning in the 1998-99 school year, a~~ A pupil enrolled in a public school ~~in the high school grades~~ may attend public school in a ~~nonresident school district~~ an educational institution under this section for the purpose of taking a course offered by the ~~nonresident school district~~ educational

institution. A pupil may attend no more than 2 courses at any time ~~in nonresident school districts~~ at educational institutions under this section.

**SECTION 6.** 118.52 (3) (a) of the statutes is amended to read:

118.52 (3) (a) The parent of a pupil who wishes to attend ~~public school in a nonresident school district~~ an educational institution for the purpose of taking a course under this section shall submit an application, on a form provided by the department, to the ~~school board of the nonresident school district in which~~ educational institution at which the pupil wishes to attend a course not later than 6 weeks prior to the date on which the course is scheduled to commence. The application shall specify the course that the pupil wishes to attend and may specify the school or schools at which the pupil wishes to attend the course. ~~The nonresident school board~~ educational institution shall send a copy of the application to the pupil's resident school board.

**SECTION 7.** 118.52 (3) (b) of the statutes is amended to read:

118.52 (3) (b) ~~If a nonresident school board~~ an educational institution receives more applications for a particular course than there are spaces available in the course, the ~~nonresident school board~~ educational institution shall determine which pupils to accept on a random basis.

**SECTION 8.** 118.52 (3) (c) of the statutes is amended to read:

118.52 (3) (c) No later than one week prior to the date on which the course is scheduled to commence, the ~~nonresident school board~~ educational institution shall notify the applicant and the resident school board, in writing, whether the application has been accepted and, if the application is accepted, the school at which the pupil may attend the course. The acceptance applies only for the following semester, school year or other session in which the course is offered. If the

~~nonresident school board~~ educational institution rejects an application, it shall include in the notice the reason for the rejection.

**SECTION 9.** 118.52 (3) (d) 1. of the statutes is amended to read:

118.52 (3) (d) 1. If it denies an application to attend ~~public school in a nonresident school district~~ an educational institution under sub. (6), notify the applicant and the ~~nonresident school board~~ educational institution, in writing, that the application has been denied and include in the notice the reason for the rejection.

**SECTION 10.** 118.52 (3) (e) of the statutes is amended to read:

118.52 (3) (e) Following receipt of a notice of acceptance but prior to the date on which the course is scheduled to commence, the pupil's parent shall notify the resident school board and ~~nonresident school board~~ the educational institution of the pupil's intent to attend the course in at the nonresident school district educational institution.

**SECTION 11.** 118.52 (6) (a) of the statutes is amended to read:

118.52 (6) (a) *Individualized education program requirements.* The school board of a pupil's resident school district shall reject a pupil's application to attend a course ~~in a public school in a nonresident school district~~ at an educational institution if the resident school board determines that the course conflicts with the individualized education program for the pupil under s. 115.787 (2).

**SECTION 12.** 118.52 (6) (b) of the statutes is repealed.

**SECTION 13.** 118.52 (6) (c) of the statutes is created to read:

118.52 (6) (c) *Pupil plan; high school graduation requirements.* The school board of a pupil's resident school district may reject an application by a pupil to attend a course at an educational institution if the resident school board determines that any of the following apply:

1. The course does not satisfy a high school graduation requirement under s. 118.33.

2. The course does not conform to or support the pupil's academic and career plan under s. 115.28 (59) (a), if any.

\*\*\*\*NOTE: Academic and career plans are required in s. 115.28 (59) (a), created in 2013 LRB-1136.

**SECTION 14.** 118.52 (8) of the statutes is amended to read:

118.52 (8) APPEAL OF REJECTION. If an application is rejected under sub. (5) (3) (c) or a pupil is prohibited from attending a course ~~in a public school in a nonresident school district~~ at an educational institution under sub. (6), the pupil's parent may appeal the decision to the department within 30 days after the decision. The department shall affirm the ~~school board's~~ decision unless the department finds that the decision was arbitrary or unreasonable. The department's decision is final and is not subject to judicial review under subch. III of ch. 227.

**SECTION 15.** 118.52 (9) of the statutes is amended to read:

118.52 (9) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending a course ~~in a public school in a nonresident school district~~ at an educational institution under this section has all of the rights and privileges of other pupils ~~residing in that school district~~ attending the educational institution and is subject to the same rules and regulations as those pupils ~~residing in that school district~~.

**SECTION 16.** 118.52 (10) of the statutes is amended to read:

118.52 (10) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident school board shall provide to the ~~nonresident school board~~ educational institution to which a pupil has applied under this section, upon request by that ~~school board~~ educational institution, a copy of any expulsion findings and orders, a copy of records

of any pending disciplinary proceeding involving the pupil, a written explanation of the reasons for the expulsion or pending disciplinary proceeding and the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding.

**SECTION 17.** 118.52 (11) (a) and (b) of the statutes are amended to read:

118.52 (11) (a) *Responsibility.* The parent of a pupil attending a course ~~in a public school in a nonresident school district~~ at an educational institution under this section is responsible for transporting the pupil to and from the course that the pupil is attending.

(b) *Low-income assistance.* The parent of a pupil who is attending a course ~~in a public school in a nonresident school district~~ at an educational institution under this section may apply to the department for reimbursement of the costs incurred by the parent for the transportation of the pupil to and from the pupil's residence or school in which the pupil is enrolled and the ~~school at which~~ educational institution that the pupil is attending for the course if the pupil and parent are unable to pay the cost of such transportation. The department shall determine the reimbursement amount and shall pay the amount from the appropriation under s. 20.255 (2) (cy). The department shall give preference under this paragraph to those pupils who are eligible for a free or reduced-price lunch under [42 USC 1758](#) (b).

**SECTION 18.** 118.52 (12) of the statutes is amended to read:

118.52 (12) TUITION. The resident school board shall pay to the ~~nonresident school board~~ educational institution, for each resident pupil attending a course ~~in a public school in the nonresident school district~~ at the educational institution under this section, an amount equal to the cost of providing the course to the pupil, calculated in a manner determined by the department. The educational institution

may not charge to or receive from the pupil or the pupil's resident school board any additional payment for a pupil attending a course at the educational institution under this section.

(END)